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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/022,132      | 02/11/98    | D'ACHARD             | J PHN-16.219        |

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QM12/1003

| EXAMINER |
|----------|
| WHITE, C |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3713     | 15           |

DATE MAILED: 10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

|  |                               |   |  |
|--|-------------------------------|---|--|
| <p align="center"><b>Office Action Summary</b></p> | Application No.<br>09/022,132 | Applicant(s)<br>D'ACHARD, JOHANNES F.M. |  |
|  | Examiner<br>Carmen D. White   | Art Unit<br>3713                        |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2000.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### ***Continued Prosecution Application***

1. The request filed on September 5, 2000, for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/022,132 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslow in view of Hogan et al or Weiss.

Regarding claims 1 and 6, Breslow discloses a video game system that enables a player to interact with the gaming environment (fig. 4d), detects a score of the player (figure 4d, #66), feeds into the gaming environment a representation of the score in visual form through an item that identifies the player in question (figure 4e), and a camera means for taking up a video image of the player in question (figure 2, #14). Breslow lacks disclosing a system in which video imagery can be suppressed and not transmitted. Instead Breslow discloses a video game in which the image of a player is incorporated into a single game and viewed by subsequent players. Hogan discloses allowing the user to input a command in order to send data to one or all participants in a

video conference (col. 1, lines 41-44). Applicant discloses that on page 2, lines 20-21 of the instant specification that the backfeeding feature could be accomplished or “realized” through “answering a system question by a keyboard command”. Hogan achieves this function of “suppressing” information from others in a video conferencing system by sending data to some participants and excluding others by the entry of a command on the part of the user. Applicant has not provided any specific disclosure of how the suppression and backfeeding features are accomplished in a novel way. Further Weiss teaches the suppression of video image **data** (Weiss- col. 6, lines 30-55 and col. 8, lines 52-56). A player’s score/performance is merely data. Thus the system of Weiss could have been implemented in the Breslow system in order to suppress score/performance **data** as well. The suppression of information through the response of questions is well known in the art. For instance if a person wants to suppress information on a survey, advertisement request, etc. the person need only neglect to enter the information. This is true in video gaming as well, whereby the player can choose whether or not to enter his/her name or initials to be broadcast with their score. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suppression feature of Hogan et al or Weiss in the invention of Breslow.

Regarding claims 2 and 7, Breslow discloses the limitations as discussed above. Breslow further includes the feature of ranking the players and displaying an image of one or more high-ranking players (figure 4e, #76 and #78).

Regarding claim 4, Breslow discloses the limitations as discussed above, further including the composite image of the player and one or more selected items (figure 4c and figure 4d).

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslow in view Hogan or Weiss, further in view of Sitrick ('014).

Regarding claims 3 and 8, Breslow in view of Hogan or Weiss discloses the limitations of the claim as discussed above. Breslow lacks in disclosing the feature of a multiple player environment in which the video image is transmitted to multiple players. Instead Breslow discloses a video game discloses a video game in which the image of a player is incorporated into a single game and viewed by subsequent players. In an analogous video gaming system, Sitrick ('014) discloses transmitting of a player's video image to the display of other players (column 1, lines 34-49). The art benefits from the visual interaction of multiple players as taught by Sitrick ('014) because it makes the game more exciting for players. One skilled in the art would understand Breslow's teaching as being a video game system that allows for multiple players to interact other players involved in the game via player video imagery. It would have been obvious to one of ordinary skill at the time of the invention to include multiple player feature of Sitrick ('014) in the invention of Breslow to make a video game more challenging and enticing for players.

***Examiner's Response to Applicant's Amendment/Remarks***

5. Applicant argues that the prior art of record does not disclose the feature of suppressing the actual score/and or performance of the player. Examiner disagrees.

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The score/performance information is merely data. Weiss and Hogan teach the suppression of data. See the above claim rejections for details. The Applicant has not provided disclosure that distinguishes the suppression and backfeeding systems of the instant invention from the prior art. Applicant states in the specification that this feature is merely a matter of entering a command. Examiner has addressed this above.

**USPTO Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday-Friday, 8:30 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



Carmen White  
Patent Examiner  
September 28, 2000



MICHAEL O'NEILL  
PRIMARY EXAMINER